

HOUSE No. 3788

House bill No. 3781, as changed by the committee on Bills in the Third Reading and as amended and passed to be engrossed by the House. November 1, 2011.

The Commonwealth of Massachusetts

—
In the Year Two Thousand Eleven
—

An Act making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2012 and to make certain changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2012, the sums set forth in section 2 are hereby
3 appropriated from the General Fund unless specifically designated otherwise in this act or in those
4 appropriation acts, for the several purposes and subject to the conditions specified in this act or in
5 those appropriation acts, and subject to the laws regulating the disbursement of public funds for the
6 fiscal year ending June 30, 2012. These sums shall be in addition to any amounts previously
7 appropriated and made available for the purposes of those items.

8 SECTION 2.

9		EXECUTIVE OFFICE	
10		<i>Executive Office</i>	
11	0411-1000	\$700,000
12	0610-2000	\$700,000

13			
14		EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
15		<i>Bureau of State Office Buildings</i>	
16	1102-3307	\$800,000
17		EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
18		<i>Department of Veterans' Services</i>	
19	1410-0010	\$308,000

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21 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to

22 provide for an alteration of purpose for current appropriations, and to meet certain requirements

23 of law, the sums set forth in this section are hereby appropriated from the General Fund unless

24 specifically designated otherwise in this section, for the several purposes and subject to the

25 conditions specified in this section, and subject to the laws regulating the disbursement of public

26 funds for the fiscal year ending June 30, 2012. These sums shall be in addition to any amounts

27 previously appropriated and made available for the purposes of those items.

28		EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
29		<i>Office of the Secretary of Administration and Finance</i>	
30	1599-1709	For a reserve for costs incurred in response to Tropical Storm Irene; provided,	
31		that the comptroller shall transfer funds made available in this item to other	

departments for this purpose upon the written request of the secretary of
administration and finance; provided further, that expenditures from this item
shall be offset by federal reimbursements to the extent available\$10,000,000

SECTION 3. Item 1102-3007 of section 2 of chapter 68 of the acts of 2011 is hereby amended
by inserting the following clause:-; and provided further that no funds shall be transferred from
this item.

SECTION 4. Item 1410-0010 of said section 2 of said chapter 68 is hereby amended by adding
the following words:- ; and provided further that the secretary may transfer not more than
\$75,000 from this item to item 1410-0012.

SECTION 5. Said section 2 of said chapter 68 is hereby further amended by striking out item
7004-0101 and inserting in place thereof the following item:-

7004-0101. For certain expenses of the emergency assistance program pursuant to section 30 of
chapter 23B of the General Laws as follows: (i) contracted family shelters; (ii) congregate
emergency housing programs; provided, that eligibility shall be limited to families with income
at or below 115 per cent of the 2009 or later-issued higher federal poverty level; provided
further, that any family whose income exceeds 115 per cent of the federal poverty level while the
family is receiving assistance funded by this item shall not become ineligible or assistance due to
exceeding the income limit for a period of 6 months from the date that the 115 per cent level was
exceeded; provided further, that preventative services shall be administered by the department of
housing and community development and shall be provided on a first-come, first-serve basis;
provided further, that the department shall include landlord/tenant mediation, legal assistance to
prevent eviction, and housing search stabilization services; provided further, that amounts for

aforementioned services shall not impair the department's ability to sign adequate shelter contracts; provided further, that those families that shall be eligible for assistance through a temporary emergency family shelter shall include (a) families that are at risk of domestic abuse in their current housing situation; (b) families that, through no fault of their own, are homeless due to fire or natural disaster; and (c) those families with a head of household 21 years and younger which shall be served through a young families congregate housing program; provided further, eligibility guidelines for assistance under this line item in effect on June 30, 2011 shall remain in effect for fiscal year 2012; provided further, that such facilities shall not be subject to licensing requirements of the executive office of health and human services; provided further, that a family, who receives emergency housing assistance due to domestic abuse, shall be connected to the appropriate social service agency; provided further, that families may receive temporary assistance from this item to compensate for timing placement issues with item 7004-0108; provided further, temporary assistance under this item shall be terminated upon the offer of available housing or housing assistance necessary to maintain housing under 7004-0108; provided further, a family may not decline an offer for available housing or housing assistance necessary to maintain housing provided that the offer adequately accommodates the size and disabilities of the family and the new housing placement shall not result in a job loss for the client; provided further, any family that declines an adequate offer of available housing or housing assistance necessary to maintain housing shall become ineligible for assistance from this item; provided further, that any family receiving benefits pursuant to section 30 of chapter 23B as of June 30, 2011 shall not become ineligible for temporary emergency family shelter benefits if any such family in which the head of household is more than 21 years of age shall transfer to the short-term housing transition program, as such assistance becomes available, and any such

77 family in which the head of household is not more than 21 years of age shall transfer to a young
78 families congregate housing facility, as such facilities become available; provided further, that
79 the department shall establish reasonable requirements for such families to escrow a portion of
80 their income; provided further, that the escrowed funds shall be exempt from otherwise
81 applicable asset limits; provided further, that the family may withdraw the amount placed in
82 escrow upon transition to permanent housing or losing eligibility for shelter services; provided
83 further, that benefits under this item shall be provided only to residents who are citizens of the
84 United States or aliens lawfully admitted for permanent residence or otherwise permanently
85 residing under color of the law in the United States; provided further, that the department shall
86 take all steps necessary to enforce regulations to prevent abuse of the emergency assistance
87 program, including a wage match agreement with the department of revenue; provided further,
88 that no emergency assistance expenditures shall be paid from this item unless explicitly
89 authorized; provided further, that an eligible household that is approved for shelter placement
90 shall be placed in a shelter as close as possible to the household's home community unless a
91 household requests otherwise; provided further, that if the closest available placement is not
92 within 20 miles of the household's home community, the household shall be transferred to an
93 appropriate shelter within 20 miles of its home community at the earliest possible date unless the
94 household requests otherwise; provided further, that eligibility for shelter by an otherwise
95 eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further,
96 that the department shall make every effort to ensure that children receiving services from this
97 item shall continue attending school in the community in which they lived prior to receiving
98 services funded from this line item; provided further, that should a family with a child under the
99 age of 3 be placed in a hotel or motel, the department of housing and community development

100 shall ensure that the hotel or motel provides a crib for each child under the age of 3 that meets all
101 the state and federal safety codes; provided further, that notwithstanding any other general or
102 special law to the contrary, the department shall immediately provide shelter for up to 30 days to
103 families who appear to be ineligible for such shelter based on statements provided by the family
104 and any other information in the possession of the department, but who need additional time to
105 obtain any third-party verifications reasonably required by the department; provided further, that
106 shelter benefits received under the preceding proviso shall not render a family ineligible under
107 any regulation providing that family who previously received shelter is ineligible for shelter
108 benefits for a period of 12 months; provided further, that families receiving such shelter benefits
109 who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a
110 timely appeal pursuant to chapter 23B of the General Laws; provided further, that the department
111 shall not impose unreasonable requirements for third-party verification and shall accept
112 verifications from a family whenever reasonable; provided further, that the department shall use
113 its best efforts to ensure that a family placed by the emergency assistance program shall be
114 provided with access to refrigeration and basic cooking facilities; provided further, that the
115 department shall provide to the house and senate committees on ways and means a report of the
116 most recently available weekly data on the number of applications for services provided for in
117 this item and in item 7004-0108; provided further, that the report shall include but not be limited
118 to caseload data including applications, admissions, and the distribution of benefits from this
119 item and item 7004-0108; provided further that said weekly report shall be provided to the house
120 and senate committees on ways and means in an electronic format on the Monday immediately
121 following the close of the prior week for which the report is to reflect; provided further, that
122 notwithstanding any general or special law to the contrary, 60 days before promulgating or

123 amending any regulations or policy affecting eligibility benefits or administration of this
124 program, the department shall file with the house and senate committees on ways and means and
125 the clerks of the senate and house of representatives a report setting forth justification for said
126 changes, including but not limited to any determination by the secretary of housing and
127 economic development that available appropriations from the program will be insufficient to
128 meet projected expenses; provided further, that any amounts appropriated in this item may be
129 transferred to item 7004-0108 upon the approval of the secretary of administration and finance;
130 provided further, the department shall notify the chairs of house and senate committees on ways
131 and means of any transfer within 15 days; provided further, that any transfer of funds shall not
132 leave this item in a projected deficit; provided further, that all of this item shall be subject to
133 appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be
134 construed as giving rise to any enforceable right or entitlement to services in excess of the
135 amounts appropriated in this item; provided however, that notwithstanding the aforementioned
136 provision, in the event of a projected deficiency the department shall continue to meet its
137 obligation to provide 60 days advance notice of any changes to eligibility, benefits, policy or
138 administration of the program; provided further, that the department shall submit quarterly
139 reports to the house and senate committees on ways and means, detailing the number of families
140 transitioned from shelter benefits to affordable, subsidized or otherwise assisted housing through
141 this program; provided further, the report shall include the average, minimum and maximum cost
142 per family of such assistance, the number of families served who required further assistance at a
143 later date, the type of assistance later required and provided, and the current housing stability of
144 each family who received transitional housing or short-term housing assistance within the prior
145 12 months; provided further, that no funds shall be expended for personnel or administrative

costs; provided further, that no funds shall be expended for costs associated with the homeless management information system; and provided further, the department of housing and community development shall notify local school departments of the placement of a family in its district within 5 days of placement; and provided further, nothing in this line item shall preclude the use of hotels and motels to ensure that eligible families have access to assistance under this line item..... \$118,797,200

SECTION 6. Said section 2 of said chapter 68 is hereby further amended by striking out item 7004-0108 and inserting in place thereof the following item:-

7004-0108. For a program of short-term housing assistance for: (i) families eligible for temporary emergency shelter under section 30 of chapter 23B of the General Laws and; (ii) families eligible for temporary emergency shelter under said section 30 of said chapter 23B, but for the fact that they are imminently at risk of becoming homeless; and (iii) families in which the head of household is not more than 21 years of age at the time of application for assistance and who have exited a young families congregate shelter funded under item 7004-0101; provided, that rental assistance through this line item shall be limited to families who, as of October 28, 2011, are: (a) receiving rental assistance through this line item, including those who have been approved for such assistance; (b) families in temporary accommodations pursuant to 7004-0101 and 7004-0108 awaiting housing placement; (c) families transitioning from other time-restricted rental assistance programs; and (d) families receiving shelter benefits under line item 7004-0101; provided further, that the assistance provided under this item shall include housing stabilization and

economic self-sufficiency case management services for each family receiving benefits hereunder; provided further, that the assistance may include, but shall not be limited to: payments of rent and utility arrears; a portion of the household's monthly rent, first month's rent, last month's rent, security deposit, utility charges, extraordinary medical bills, so long as such assistance will maintain housing for the family, and shall include immediate temporary housing arrangements for families without alternative feasible housing; provided further, that assistance towards a portion of the household's monthly rent shall be an eligible use of funds hereunder only in the event that the monthly rent for the housing does not exceed 80 per cent of the fair market rent for such housing, as determined in accordance with the U.S. Department of Housing and Urban Development; provided further, that the department shall allow for a higher monthly rent in the event that a household already housed, that is transitioning to this program from another time-limited assistance program, would be displaced due to the restriction on fair market rent; provided further, that the department may exceed 80 per cent of the fair market rent if the department determines that such placement is cost-effective and meets the short-term housing needs of eligible families in a timely manner; provided further, that eligible families shall pay no more than 35 per cent of household income towards rent and utilities; provided further, that a family's eligibility for assistance provided hereunder shall not exceed a period of 36 successive months from the date the family receives assistance hereunder, not including time spent in temporary accommodations; provided

further, that a family that is terminated from the program because it has received 36 successive months of assistance shall not be able to receive assistance hereunder for 12 months from the last date it received assistance through this program; provided further, that for the initial 12 month period for which the family receives assistance hereunder, payments shall not exceed: (1) \$4,000; or (2) if assistance is used for a portion of the household's monthly rent and utility costs, the difference between 35 per cent of household income and the monthly cost of rent and utilities for such housing; provided further, that administering agency shall also be able to make payments toward temporary accommodations for the family prior to the family securing a rental housing unit with assistance hereunder; provided further, that such assistance shall be reduced by: (1) 5 per cent for each of the next 12-month periods for which the family receives assistance hereunder, or (2) such lesser amount as maintains the eligible family's contribution towards rent and utilities at not more than 35 per cent of household income; provided further, that the continued eligibility of the family shall be determined on an annual basis; provided further, that a family shall not be deemed ineligible as a result of any single violation of a self-sufficiency plan; provided further, that a family that exceeds the income eligibility criteria pursuant to section 30 of chapter 23B of the General Laws shall be eligible for continued assistance hereunder so long as they meet the requirements of their housing stabilization plan and do not exceed 50 per cent of area median income; provided further, that benefits under this item shall be provided only to residents who are citizens of the

215 United States or aliens lawfully admitted for permanent residence or otherwise
216 permanently residing under color of law in the United States; provided further,
217 that the department shall take all steps necessary to enforce regulations to
218 prevent abuse in the short-term housing transition program including a wage
219 match agreement with the department of revenue; provided further, that a
220 family that did not make a good faith effort to secure an apartment or did not
221 make a good faith effort to follow their housing stabilization plan during the
222 term of their assistance shall be ineligible for benefits pursuant to said section
223 30 of said chapter 23B and short-term housing transition benefits for a period
224 of no more than 24 months from the later of the date upon which the family
225 exits a temporary emergency family shelter or a monthly rental assistance
226 payment is made to or on behalf of the family or 12 months for a family that
227 received assistance only for rent arrears, utility charges or extraordinary
228 medical bills; provided further, that no family with a head of household who is
229 over 60 years of age or who is disabled and who is in compliance with the
230 requirements of a housing stabilization plan that accommodates disabilities
231 shall be denied short-term housing assistance; provided further, that any such
232 family with a head of household who is over 60 years of age or who is
233 disabled shall not have engaged in, or be engaged in, any activity that
234 threatens the health, safety or security of the family, other program
235 participants or program staff; provided further, that families receiving benefits
236 under this program who are found not to be eligible for continuing benefits
237 shall be eligible for aid pending a timely appeal pursuant to said chapter 23B;

provided further, that families who are denied assistance under this item may appeal pursuant to said chapter 23B, including subsection (F) of section 30, and regulations adopted to implement said chapter 23B; provided further, that the department, as a condition of continued eligibility for assistance pursuant to this program, may require disclosure of social security numbers by all members of a family in the Massachusetts short-term housing transition program for use in verification of income with other agencies, departments and executive offices; provided further, that any family in which a member of the family shall fail to provide a social security number for use in verifying the family's income and eligibility shall no longer be eligible to receive benefits from the short-term housing transition program; provided further, that the department shall administer the short-term housing transition program through the following agencies unless and until administering agencies are otherwise procured by the department: Berkshire Housing Development Corp., Central Massachusetts Housing Alliance, Community Teamwork, Inc., Housing Assistance Corp., Franklin County Housing and Redevelopment Authority, Hap, Inc., Metropolitan Boston Housing Partnership, LHAND, South Middlesex Opportunity Council, Inc., South Shore Housing Development Corporation and RCAP Solutions, Inc; provided further, that the department of housing and community development shall reallocate financing based on performance based statistics from under-performing service providers to above average service providers in order to move as many families from hotel, motels, or shelters into more sustainable housing;

provided further, that the department shall use funds provided for this program for stabilization workers to focus efforts on housing retention, and link households to supports including job training, education, job search, and childcare opportunities available and may enter into agreements with other public and private agencies for the provision of such services, and that a stabilization worker shall be assigned to each household; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated in this item; provided further, that the department shall promulgate regulations for the short-term housing transition program; provided further, that funds from this item shall be expended to directly reduce the usage of shelter, including hotels and motels, by the emergency assistance program; provided further, that funds shall be used to transition families served by the program to more rapidly move them into temporary or permanent sustainable housing; provided further, that the department shall submit bi-annual reports to the house and senate committees on ways and means, which shall include the number of families served, the type of assistance given, the number of families assisted through this program, the average, minimum and maximum cost per family of such assistance and the current housing stability of each family who received assistance within the prior 12 months and shall include the status of the implementation of this program and any obstacles encountered; and provided further, that beginning

October 1, 2011, the department shall report on a quarterly basis to the chairs of the joint committee on housing and the joint committee on children, families and persons with disabilities, the number of families, from each local department office, who are ineligible for further assistance by operation of the 24-month and 12-month restrictions in this item; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating or amending any regulations or policy affecting eligibility, benefits or administration of this program, the department shall file with the house and senate committees on ways and means and the clerks of the senate and house of representatives a report setting forth justification for said changes, including but not limited to any determination by the secretary of housing and economic development that available appropriations from the program will be insufficient to meet projected expenses..... \$56,761,732

SECTION 7. The undersecretary of the department of housing and community development and the secretary of administration and finance, or their designees, shall, in cooperation with the chairs of the house and senate committees on ways and means, or their designees, develop not later than December 9, 2011, legislative and budgetary recommendations necessary to ensure the continued and sustainable operation of the state's emergency assistance and short term housing assistance programs.

SECTION 8. Said chapter 68 is hereby further amended by striking out section 161 and inserting in place thereof the following section:-

Section 161. (a) Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and

finance, may authorize transfers of surplus of not more than \$74,542,514 from item 4000-0700 to item 4000-1420 for the purpose of reducing any deficiency in these items; provided, however, that any such transfer shall be made not later than August 31, 2012.

(b) Notwithstanding any general or special law to the contrary, MassHealth's standards for reimbursement of nursing home leave of absence days shall be those in effect on July 1, 2011.

SECTION 9. Section 8 of this act shall take effect as of July 1, 2011.

SECTION 10. There shall be a study conducted by the department of revenue on the fiscal implications to the commonwealth of decreasing the sales tax rate from 6.25 per cent to 5.75 per cent. The commissioner of the department of revenue shall file a report on such fiscal implications of decreasing said rate with a recommendation as to its feasibility with the House and Senate committees on Ways and Means on or before April 1, 2012.

SECTION 11. There shall be a study conducted by the executive office of administration and finance on the feasibility of increasing the funding distributed to cities and towns through the General Appropriations Act. If the secretary for administration and finance finds that increasing such funding is feasible, the secretary shall file a report with recommendations for any necessary cuts to other items in the General Appropriations Act in order to balance the budget with the House and Senate committees on Ways and Means on or before April 1, 2012.

SECTION 12. Chapter 68 of the Acts of 2011, is hereby amended in section 2, by inserting in item 0521-0000, after the word "education" the following:- " ; provided further, \$57,884 shall be made available for reimbursements to municipalities for costs associated with the special primary and the special election to fill the house of representatives' seat for the twelfth Bristol district; provided further, that the state secretary shall only reimburse the municipalities for costs that

have previously been certified by the division of local mandates within the office of the state auditor; and provided further, that any unexpended funds in this item shall be made available in fiscal year 2012; and by striking out the figures “\$4,900,000”, and inserting in place thereof the figures “\$4,957,887”.

SECTION 13. Notwithstanding any general or special law to the contrary, the house and senate committees on post audit and oversight shall investigate whether the commonwealth should authorize a study of the services provided by the commonwealth to residents and non-residents of the commonwealth and the monetary distinction between such residents. In considering the feasibility of such a study, the committees shall consider any potential civil rights violations that could occur if such a study was conducted; the cost to the commonwealth in commencing such a study and preparing any subsequent reports; and the necessity of conducting such a study given the compliance with existing citizenship verification measures for the receipt of public assistance benefits. The committees may consult with the secretaries of health and human services, administration and finance, education, labor and workforce development, public safety and security, and housing and economic development as to the feasibility of such a study. The committees shall inform the membership of the General Court of the investigation by filing a report with the clerks of the house and senate no later than June 30, 2012.